

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRAD DONOVAN, *et al.*,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A., *et al.*,

Defendants.

Case No. C15-0801RSL

ORDER OF REMAND

On May 26, 2015, the Court ordered defendants to provide the citizenship of each owner/member of DHM Mortgage Servicing, LLC, and/or AMS Servicing, LLC, in order to establish that federal jurisdiction exists. See 28 U.S.C. § 1332(a) the federal court’s basic diversity jurisdiction extends to “all civil actions where the matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”); Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding that “like a partnership, an LLC is a citizen of every state of which its owners/members are citizens”).

Defendants’ initial and supplemental responses (Dkt. # 12 and # 16) are insufficient: although they provide information from which the citizenship of certain

1 entities holding an ownership interest in the named defendants can be ascertained, most of  
2 the relevant owners, trustees, and partners have not been disclosed, leaving both plaintiffs  
3 and the Court unable to verify their citizenship. Because “it is to be presumed that a cause  
4 of action lies outside the limited jurisdiction of the federal courts and the burden of  
5 establishing the contrary rests upon the party asserting jurisdiction,” the Court “resolves  
6 all ambiguity in favor of remand to state court.” Hunter v. Philip Morris USA, 582 F.3d  
7 1039, 1042 (9th Cir. 2009) (internal quotation marks and alterations omitted).

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9 The Clerk of Court is therefore directed to REMAND this matter to King County  
10 Superior Court. Defendants’ request for a two week extension of time in which to show  
11 cause (Dkt. # 13) is DENIED as moot.

12 Dated this 18th day of June, 2015.

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16 Robert S. Lasnik  
United States District Judge